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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3100 Port of Benton Blvd • Richland, WA 99352 • (509) 372-7950

March 30, 2006

Mr. Roy J. Schepens
Office of River Protection
United States Department of Energy
P.O. Box 450; MSIN H6-60
Richland, Washington 99352

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EDMC

Dear Mr. Schepens:

Re: Hanford Federal Facility Agreement and Consent Order (HFFACO)
Change Request for Milestone M-48-07A (2); USDOE Letter 06-TPD-009,
dated March 13, 2006

The Department of Ecology reviewed the M-48-06-03 change package and is disapproving the request. The change package, with my signature, is enclosed.

The attached Description/Justification of Change cited inclement weather and limited resources as good cause for the extension. Ecology disagrees that these factors, as described, constitute good cause under Article XL of the HFFACO.

Ecology assumes that, by citing inclement weather conditions, the U.S. Department of Energy-Office of River Protection (USDOE-ORP) is invoking the Force Majeure provision of Article XLVII, paragraph 145(c) "adverse weather conditions that could not be reasonably anticipated" While USDOE-ORP asserts that there have been at least 50 working days that were affected by inclement weather (high winds, rain, frost, or snow), Ecology does not agree that the conditions were unusual for our area. Climate data collected by the Pacific Northwest National Laboratory at the Hanford Meteorological Station shows that average monthly parameters for October 2005 through January 2006 did not vary significantly from the normal climate conditions (see Table 1). In addition, even if there were 50 days of unforeseeably bad weather, that would not justify a 90-day extension.

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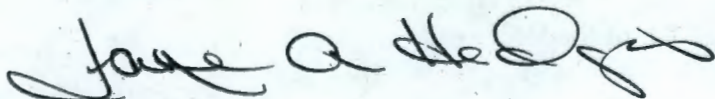
Table 1. Climate Data for Hanford Meteorological Station (Source: <http://hms.pnl.gov>)

	October '05 Monthly Avg/Norm	November '05 Monthly Avg/Norm	December '05 Monthly Avg/Norm	January '06 Monthly Avg/Norm
Temp. (°F)	54.4 / 53	38.3 / 40.1	27.4 / 31.7	38.4 / 31.8
Precip. (in)	0.29 / 0.49	0.89 / 0.98	2.10 / 1.11	1.18 / 0.87
Wind Speed (mph)	6.0 / 6.5	5.6 / 6.4	4.7 / 6.1	7.6 / 6.3
Snowfall (in)	--- / ---	--- / ---	2.4 / 5.8	0.5 / 4.2

Furthermore, USDOE-ORP cites priorities and limited resources as good cause. The HFFACO only allows lack of funding (i.e., limited resources) as good cause for changing milestone requirements if USDOE-ORP has requested a compliant budget and sufficient funds were not appropriated. USDOE-ORP and USDOE Headquarter management have stated in various forums that the Fiscal Year 2006 budget is sufficient to complete all HFFACO required work. Therefore, insufficient funds or resources cannot be substantiated as a good cause justification.

If you have any questions regarding this denial, please contact me at (509) 372-7905 or Laura Cusack at (509) 372-7891

Sincerely,



Jane A. Hedges
Program Manager
Nuclear Waste Program

LJC:lkd
Enclosure

cc w/enc:

Roger Quintero, USDOE
Moses Jaraysi, CH2M
Jeffry Voodg, CH2M
Ro Vinson, PAC

Administrative Record: M-48-07A
CH2M Correspondence Control
Environmental Portal

cc w/o enc:

Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN

Todd Martin, HAB
Ken Niles, ODOE

Change Number M-48-06-03	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date 2/22/06
Originator U.S. DOE-ORP		Phone
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
Change Title Extension of due date for completion of Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-48-07A (2) from March 31, 2006 to June 30, 2006.		
Description/Justification of Change <u>Background</u> HFFACO milestone M-48-07A (2) requires completion of construction for the 241-AP-106A central pump pit upgrade (remove existing equipment, evaluate pit integrity and replace pit coating, if necessary) by March 31, 2006. The 241-AP-106A Central Pump Pit houses the transfer pump for Tank AP-106. The AP-106 tank is full. No transfers to, or from, the tank are projected until approximately the 18 th feed batch to the Waste Treatment Plant (WTP), currently projected to occur after 2020. <u>Good cause for the extension</u> As a result of the lack of a planned near term use for this system, and previous agreements with Ecology to prudently use available resources, further discussed below, ORP is requesting a 90-day extension of completion of the M-48-07A (2) milestone. This extension will allow completion of work scope within the M-48-07 milestone final due date of June 30, 2006. The prudent use of available resources for tank farm upgrades was previously addressed with Ecology as part of discussions of scope necessary to complete TPA milestone M-43-00. During those discussions Ecology agreed that components that did not have a near term mission would not need to be upgraded prior to June 30, 2005. The planned upgrades could be deferred, but must occur prior to the system use. This criterion was the basis for developing the scope for Project E-525 and establishing a clear path forward for completing milestone M-43-00. On July 24, 2002, ORP requested an upgrade to the deferral list for Double-Shell Tank System (DST) components (02-OMD-046). Ecology approved that request on January 14, 2003 (Ltr., J. Lyon to J. Rasmussen). On April 15, 2005, ORP requested to amend the deferred component list, proposing that among other things pump pit AP-106A met this criteria and that several components with no near term mission, including 241-AP-106A, be added to the list (05-TPD-045). Ecology accepted this request on April 29, 2005. (Ltr., J. Lyon to R. Schepens). Subsequently, Ecology requested that DOE upgrade 241-AP-106A because Ecology determined that the pit was integral to the emergency pump-out transfer route for tank 241-AP-106. As a result of Ecology's concern, 241-AP-106 upgrade activities were incorporated into a new milestone under TPA Milestone M-48 (TPA Change Number M-48-05-02, approved June 29, 2005).		

DOE is requesting to extend the completion date for M-48-07A (2) by 90 days, to June 30, 2006. This request is based upon the following facts that establish good cause under Section 12.3.2 of the Action Plan in the Hanford Federal Facility Agreement and Consent Order (HFFACO):

(1) On at least 50 working days during the period of October 1, 2005 through January 31, 2006, performance of open pit field work in the Tank Farms was prevented by inclement weather (high winds, rain, frost, or

snow), delaying work on the AP-106A pump pit upgrade. Inclement weather either increased the risk of contamination spread (wind), prevented accurate detection of alpha radiological contamination (moisture on surfaces) or was inconsistent with manufacturers specifications for application and curing of the coating (temperature and moisture).

(2) During that same period of time, work on the AP-106A pump pit upgrade was constrained by the need to utilize common resources (a dedicated crew for pit upgrades) to perform the following higher priority risk reduction work that either has been completed or is currently ongoing:

- Pit work and line pressure testing to meet Milestone M-48-14
- Cross-site transfer line work to support retrieval of tanks S-112 (in support of milestone M-45-00B), S-102, and S-109 (M-62-08). This work allowed for deployment of the Remote Water Lance in S-112 and the removal of more waste than had been achieved with Salt-Cake Dissolution and Modified Sluicing only.
- Waste transfers from tank AN-106 to AW Tank Farm to make DST space available to support retrieval of C-Farm waste (M-45-00B)
- Isolation of the 244-A Lift Station powered exhaust system to comply with the Federal Facility Compliance Agreement For Radionuclide NESHAP (1994)
- A backlog of general safety and Technical Safety Requirement actions such as:
 - Reinstallation of the AP-105 cover blocks
 - Tank SY-102 caustic addition
 - AN-Farm Pre and Primary A&B Banks Filter Change
 - 242A Evaporator Pre, First, and Secondary Filter Change.

These priorities were shared with Ecology representatives at weekly Integrated Management Meetings where tank farm priorities, critical path schedules and integrated project schedules are major agenda items.

This request to extend the completion date by 90 days poses minimal risk to human health and the environment because (1) no emergency transfer from a DST has ever been necessary; (2) no leaks from a DST primary to secondary containment has ever occurred; and (3) recent ultrasound testing of 241-AP-106 indicates that the tank is sound.

Section 12.3.2 of the Action Plan requires the following also be addressed for any request for extension:

- A. The timetable and deadline or schedule for which the extension is sought;
This request for extension covers the period March 31, 2006 to June 30, 2006.
- B. The length of the extension sought;
The length of the requested extension is 90 days, from March 31, 2006 to June 30, 2006.
- C. The good cause for the extension;
Good cause for the extension is provided in the discussion above.

D. ~~Any~~ related time table and deadline or schedule that would be affected if the extension were granted.
No other deadlines or schedules will be affected by this extension.

Impact of Change

This change defers milestone M-48-07A(2) to support mission-critical tank retrieval activities.

Affected Documents

The Hanford Federal Facility Agreement and Consent Order (Agreement) as amended, and Hanford Site internal planning, management, and budget documents (e.g., baseline control documents, related work authorizations and directives).

Approvals

_____	_____	_____	Approved	Disapproved
DOE	Date			
_____	_____	_____	Approved	Disapproved
EPA	Date			
_____	_____	_____	Approved	X Disapproved
Ecology	Date	3/30/06		

Change Control Form M-48-06-03

Tri-Party Agreement Interim Milestone M-45-02M (due March 1, 2006) is modified by this change form as shown below, using ~~strikeout~~ for deletions and **shading** for text additions

M-048-07A	COMPLETE CONSTRUCTION OF THE AZ-301 CONDENSATE RETURN SYSTEM AND PIT UPGRADES. THIS INCLUDES 1) COMPLETE CONSTRUCTION OF THE AZ-301 CONDENSATE RETURN SYSTEM AND REMOVE THE AZ-151 CATCH TANK SYSTEM FROM SERVICE BY OCTOBER 31, 2005. 2) COMPLETION OF CONSTRUCTION FOR THE 241-AP-106A CENTRAL PUMP PIT UPGRADE (REMOVE EXISTING EQUIPMENT, EVALUATE PIT INTEGRITY, AND REPLACE PIT COATING, IF NECESSARY) BY MARCH 31 JUNE 30 , 2006. 3) COMPLETION OF CONSTRUCTION FOR THE 241-SY-B VALVE PIT UPGRADE (REMOVE EXISTING EQUIPMENT, EVALUATE PIT INTEGRITY, AND REPLACE PIT COATING, IF NECESSARY) BY JUNE 30, 2006.	JUNE 30, 2006 OR AS OTHERWISE INDICATED WITHIN THE DESCRIPTIVE TEXT OF THIS MILESTONE
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